

Message Text

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ACTION ACDA-10

INFO OCT-01 EUR-12 EA-07 IO-13 ISO-00 AF-08 ARA-06 CIAE-00

DODE-00 PM-04 H-02 INR-07 L-03 NASA-01 NEA-10 NSAE-00

NSC-05 OIC-02 SP-02 PA-01 PRS-01 OES-06 SS-15 USIA-06

SAJ-01 NRC-05 /128 W

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INFO AMEMBASSY BONN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY THE HAGUE

AMEMBASSY OTTAWA

AMEMBASSY ROME

AMEMBASSY STOCKHOLM

AMEMBASSY TOKYO

USMISSION USUN NEW YORK

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ERDA HQ WASHDC

ERDA GERMANTOWN MD

NOAA ROCKVILLE MD

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DISTO

E.O. 11652: N/A

TAGS: PARM, CCD

SUBJECT: CCD - 15TH ENMOD WORKING GROUP MEETING, AUGUST 13, 1976

REF: (A) STATE 188129; (B) GENEVA 6399

1. SUMMARY: ENMOD WORKING GROUP APPROVED ARTICLE IV
(IMPLEMENTING MEASURES) IN VERSION PREVIOUSLY PROPOSED BY
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INDIA. WORKING GROUP ALSO APPROVED ARTICLE VI WITH
REQUIREMENT OF SIMPLE MAJORITY ACCEPTANCE FOR AN

AMENDMENT'S ENTRY INTO FORCE. GROUP DISCUSSED, BUT DEFERRED DECISION ON ARTICLE VIII PROVISION ON NUMBER OF RATIFICATIONS REQUIRED FOR CONVENTION'S ENTRY INTO FORCE. IN BRIEF DISCUSSION OF AMENDMENTS TO ILLUSTRATIVE LIST OF EXAMPLES, NETHERLANDS AGAIN PROPOSED ELIMINATING LIST FROM CONVENTION ALTOGETHER; SEVERAL DELEGATIONS SUPPORTED IDEA. AT SOVIET INSISTENCE, GROUP AGREED TO AUGUST 18 TARGET DATE FOR COMPLETING ITS WORK. END SUMMARY.

2. ENMOD WORKING GROUP RECONVENED AUGUST 13. AFTER EXTENDED RECESS FOR (STILL UNSUCCESSFUL) CONSULTATIONS ON ARTICLE III (SEPTTEL), GROUP TOOK UP ARTICLE IV. ON BASIS OF GUIDANCE IN REF (A) PARA 4 AND UNDERSTANDING THAT WASHINGTON STRONGLY PREFERRED INDIAN OVER UK VERSION (REF (B) PARA 3), US ALT REP (BLACK) STATED US PREFERENCE AND ASKED WHETHER UK COULD RECONSIDER ITS PROPOSAL. IN RESPONSE, UK REP (ALLEN) STATED HIS ACCEPTANCE OF INDIAN FORMULATION. WORKING GROUP THEN APPROVED FOLLOWING TEXT OF ARTICLE IV BY CONSENSUS:

"EACH STATE PARTY TO THIS CONVENTION UNDERTAKES TO TAKE ANY MEASURES IT CONSIDERS NECESSARY IN ACCORDANCE WITH ITS CONSTITUTIONAL PROCESSES TO PROHIBIT AND PREVENT ANY ACTIVITY IN VIOLATION OF THE PROVISIONS OF THE CONVENTION ANYWHERE UNDER ITS JURISDICTION OR CONTROL."

3. WORKING GROUP THEN TOOK UP ARTICLE VI (AMENDMENTS). CANADIAN ALT REP (SIMARD) RECOMMENDED THAT ACCEPTANCE BY MAJORITY OF STATES PARTY SUFFICE FOR ENTRY INTO FORCE OF AN AMENDMENT. UK AND INDIA (MISHRA) SUPPORTED CANADIAN PROPOSAL, AND WORKING GROUP AGREED TO IT BY CONSENSUS.

4. DISCUSSION THEN TURNED TO ARTICLE VIII PROVISION ON NUMBER OF RATIFICATIONS REQUIRED FOR CONVENTION'S ENTRY INTO FORCE. BULGARIAN ALT REP (GRINBERG) SUGGESTED FIFTEEN, ARGUING THAT ENMOD CONVENTION PRESENTS DIFFERENT CASE FROM WITH BWC (22 INCLUDING DEPOSITARITES) OR NPT (43 INCLUDING DEPOSITARIES), AND THAT EARLIEST POSSIBLE ENTRY INTO FORCE IS DESIRABLE. GDR REP (HERDER) SUPPORTED BULGARIAN LIMITED OFFICIAL USE
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PROPOSAL. HOWEVER, NETHERLANDS REP (VAN DER KLAAUW), SUPPORTED BY FRG (SCHLAICH) AND ITALY (DI BERNARDO), ADVOCATED REQUIRING THIRTY RATIFICATIONS. AT SUGGESTION OF INDIAN REP (MISHRA), WHO SAID QUESTION INVOLVES VARIOUS POLITICAL CONSIDERATIONS REQUIRING FURTHER STUDY, ISSUE WAS PUT OFF UNTIL NEXT MEETING.

5. COMMENT: BASIC INSTRUCTIONS IN SPRING SESSION POSITION PAPER GIVE DEL GREAT FLEXIBILITY ON THIS ISSUE. WE SEE NO REASON TO REQUIRE VERY LARGE NUMBER OF RATIFICATIONS FOR

ENTRY INTO FORCE OF TREATY WHOSE OBLIGATIONS ARE ONLY VIS-A-VIS OTHER PARTIES. ANY FURTHER WASHINGTON VIEWS WOULD BE APPRECIATED.

6. REVERTING TO QUESTION OF AMENDMENTS, JAPANESE REP (OGISO) ASKED WHETHER NETHERLANDS REMAINED CONVINCED THAT PROCEDURES TO AMEND ILLUSTRATIVE LIST OF EXAMPLES SHOULD DIFFER FROM AMENDMENT PROCEDURES SET FORTH IN ARTICLE VI AND APPLICABLE TO THE BODY OF THE CONVENTION ITSELF. NETHERLANDS REP (VAN DER KLAUW) REPLIED IN ESSENCE THAT PROBLEMS ASSOCIATED WITH LIST OF EXAMPLES, INCLUDING AMENDMENT QUESTION, COULD BE DECIDED DURING FURTHER DISCUSSION OF ARTICLE II. VAN DER KLAUW TOOK THIS OPPORTUNITY TO REAFFIRM OPPOSITION TO INCLUDING ILLUSTRATIVE LIST IN THE CONVENTION AT ALL, SAYING IT SHOULD BE ELIMINATED ALTOGETHER. CANADIAN REP (SIMARD) AND INDIA REP (MISHRA) SUPPORTED VAN DER KLAUW'S VIEW. MISHRA FURTHER ARGUED THAT EXAMPLES HAVE NO BINDING FORCE AT ALL. HE WAS CHALLENGED BY OGISO (JAPAN), WHO SAID THAT EXAMPLES THAT ARE INCLUDED AT LEAST HAVE "PRACTICAL SIGNIFICANCE."

7. USSR REP (LIKHACHEV), DECLARING THAT "ONLY MINOR QUESTIONS REMAIN TO BE RESOLVED," ADVOCATED INTENSIFYING WORKING GROUP'S WORK AND SCHEDULING ADDITIONAL MEETINGS DURING NEXT FEW DAYS, INCLUDING EVENINGS IF NECESSARY. HE SAID AUGUST 18 SHOULD BE THE DEADLINE FOR FINISHING WORK OF THE ENMOD WORKING GROUP. INDIAN REP (MISHRA) THOUGHT MEETINGS SHOULD BE POSSIBLE THROUGH AUGUST 20 IF NECESSARY, BUT WARNED THAT WHENEVER THE GROUP FINISHED ITS WORK, TIME WOULD THEN BE NEEDED FOR CONSIDERATION OF THE LIMITED OFFICIAL USE
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PRODUCT IN CAPITALS. IT THUS MIGHT BE NECESSARY, MISHRA ADDED, FOR CCD TO EXTEND SUMMER SESSION INTO WEEK BEGINNING AUGUST 30. US (BLACK), BULGARIA (GRINBERG), ITALY (DE BERNARDO), AND EGYPT (EL IBRAHIM) SUPPORTED CALL FOR INTENSIFYING WORK AND FOR SETTING DEADLINE; ITALIAN REP (DI BERNARDO) SAID AUGUST 20 WOULD BE LAST POSSIBLE DATE FOR COMPLETION OF MEETINGS OF ENMOD WORKING GROUP. GROUP AGREED ON AUGUST 18 "TARGET" DATE (ALTHOUGH IT IS CLEAR DISCUSSIONS MAY AGAIN SPILL OVER).

8. NEXT MEETING OF ENMOD WORKING GROUP SCHEDULED FOR MONDAY, AUGUST 16 AT 10:30 A.M. CATTO

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